

REMARKS

In the Office Action, the Examiner withdrew the prior rejection under 35 USC 103, but asserted a single new rejection based on non-statutory obviousness-type double-patenting over U.S. Patent No. 7,341,854 (the “854 patent”) in view of U.S. Patent No. 6,242,233 (Paper No. 20080621 at 2-4). Although we disagree with the merits of the rejection, with a view towards furthering prosecution, a terminal disclaimer is being filed concurrently herewith to obviate the double-patenting rejection over the ’854 patent.

In view of the foregoing, it respectfully is submitted that all claims should be found allowable and that the application is in condition for allowance.

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and via facsimile at 571-273-8300 on December 23, 2008.

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